

6/11/04 DR. GEOFFREY R. ANDERS, P.E.
PRIMARY EXAMINER

VIA FACSIMILE (703)872-9306

9D-BC-19337
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kevin Michael Ruppelt et al.

Art Unit: 3625

Serial No.: 09/480,344

Examiner: Sabrina A. Chang

Filed: January 10, 2000

For: METHOD AND APPARATUS
FOR PRODUCT SELECTION
ASSISTANCE

AMENDMENT

Mail Stop: Non-fee amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 10, 2003, please amend the above identified application as follows.

Adjustment date: 12/09/2004 SDIRETA1
07/20/2004 PLEWIS 00000003 012384 09480344
01 FC:1253 950.00 CR

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Express Mail Label No. EV504791904US

DIVISION

9D-EC-19337
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kevin Michael Ruppelt et al.

Art Unit: 3625

Serial No.: 09/480,344

Examiner: Akers, Geoffrey R

Filed: January 10, 2000

For: METHOD AND APPARATUS
FOR PRODUCT SELECTION
ASSISTANCE

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PETITION FOR REFUND

Mail Stop: 16
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This is a petition for a refund of \$950 three-month extension of time fee charged as shown in an attached monthly statement of a Deposit Account 01-2384 corresponding to the above-referenced attorney docket number. Under 37 C.F.R. 1.26, the Patent Office may refund any fee paid in excess of the amount of fee that is required. The extension of time fee was charged when a response was re-faxed on June 11, 2004. Applicants respectfully submit that the response was initially faxed on February 10, 2004, which is within two-months of a mailing date, December 10, 2003, of an office action. Documents, including a certificate of facsimile transmission dated February 10, 2004, and a transmittal, which show the initial faxing of the response are attached. The response was simply re-faxed on June 11, 2004 to a current Examiner, Geoffrey R. Akers, assigned to the above-referenced application and different than a prior Examiner, Sabrina A. Chang, assigned previously to the application. Documents, including a certificate of facsimile transmission dated June 11, 2004, which show the re-faxing of the response are attached. For at least the reasons set forth above, Applicants respectfully request the refund of the extension of time fee.

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Moreover, Applicants respectfully submit that there has not been a change of purpose after an authorization to charge the extension of time fee. Applicants provided the authorization on February 10, 2004 to charge the extension of time fee subject to a condition that the Applicants had inadvertently overlooked a need for a petition for an extension of time. Applicants respectfully submit that Applicants did not overlook the need for the petition for the extension of time because Applicants timely faxed the response within two-months of the mailing date of the office action. Accordingly, Applicants respectfully submit that the condition that triggered the authorization has not been satisfied and the extension of time fees should not have been charged. Accordingly, Applicants respectfully submit that there has not been a change of purpose after the authorization to charge the extension of time fees and respectfully request the refund of the extension of time fees.

This petition is timely as it is filed within two years of authorizing the extension of time fees. Kindly grant this petition and credit the refund to the Deposit Account 01-2384. The Patent Office is authorized to charge any fees which is necessary for this petition to the Deposit Account 01-2384.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070



UNITED STATES
PATENT AND
TRADEMARK OFFICE

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MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

ARMSTRONG TEASDALE, SCHLAFLY & DAVIS
JOHN S. BEULICK
ONE METROPOLITAN SQUARE
SUITE 2600
ST LOUIS MO 63102

FINA

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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Account No.	012384
Date	7-30-04
Page	8

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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**CERTIFICATE OF FACSIMILE TRANSMISSION TO THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

DATE: February 10, 2004

Examiner: Sabrina A. Chang	:	RE: U.S. Patent Application
Art Unit: 3625	:	Serial No.: 09/480,344
Fax: 703-872-9306	:	Applicant: Kevin Michael Ruppelt et al.
From: Thomas M. Fisher	:	Atty. Dkt. No.: 9D-EC-19337

DOCUMENTS SUBMITTED WITH TRANSMISSION:
Amendment Transmittal (3 pgs.)
Amendment in Response to Office Action dated December 10, 2003
(30 pgs.)
Fax Transmittal (1 pg.)

Total pages including cover page: 34
If all pages are not received, please contact: Linda Driscoll at Ext. 7229

RE: The above referenced U.S. Patent Application
Title: METHOD AND APPARATUS FOR PRODUCT SELECTION ASSISTANCE
Filed: January 10, 2000

CERTIFICATE OF FACSIMILE TRANSMISSION

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Examiner: Sabrina A. Chang

Art Unit: 3625

Fax: 703-872-9306

From: Thomas M. Fisher

: **RE:** U.S. Patent Application
: **Serial No.:** 09/480,344
: **Applicant:** Kevin Michael Ruppelt et al.
: **Atty. Dkt. No.:** 9D-EC-19337

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Title: METHOD AND APPARATUS FOR PRODUCT SELECTION ASSISTANCE

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Thomas M. Fisher, Reg. No.: 47,564

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VIA FACSIMILE 1-703-872-9306

PATENT
Attorney Docket No.: 9D-EC-19337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kevin Michael Ruppelt et al.	:	
		:	Group No.: 3625
Serial No.:	09/480,344	:	
		:	Examiner: Sabrina A. Chang
Filed:	January 10, 2000	:	
		:	
For:	METHOD AND APPARATUS	:	
	FOR PRODUCT SELECTION	:	
	ASSISTANCE	:	

Mail Stop: Non-fee amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
Amendment Transmittal (3 pgs.)
Amendment in response to Office Action dated December 10, 2003 (30 pgs.)
Fax Transmittal which includes Certificate of Facsimile (1 pg.)

STATUS

2. Applicant
☐ claims small entity status.
☒ is other than a small entity.

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EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
<input type="checkbox"/> first month	\$ 110.00	\$ 55.00
<input type="checkbox"/> second month	\$ 420.00	\$ 210.00
<input type="checkbox"/> third month	\$ 950.00	\$ 475.00
<input type="checkbox"/> fourth month	\$1,480.00	\$ 740.00
<input type="checkbox"/> fifth month	\$2,010.00	\$1,005.00

Fee Due \$

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____.

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OR	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL	MINUS	=		x \$9 = \$		x \$18 = \$
INDEP.	MINUS	=		x \$43 = \$		x \$86 = \$
— FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$145 = \$		+ \$290 = \$

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TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$
----------------------------	----	----------------------------

(a) ☒ No additional fee for Claims is required

OR

(b) ☐ Total additional fee for claims required \$

FEE PAYMENT


5. Attached is a check in the sum of \$_____
- ☐ Charge Deposit Account No. 01-2384 the sum of \$_____.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:



Thomas M. Fisher
Reg. No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102
314-621-5070

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**CERTIFICATE OF FACSIMILE TRANSMISSION TO THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Date: June 11, 2004

Examiner: Jeffrey Akers
Art Unit: 3625
Fax: (703) 308-3687
From: Patrick W. Rasche

: RE: U.S. Patent Application
: Serial No.: 09/480,344
: Applicant: Kevin M. Ruppelt et al.
: Atty. Dkt. No.: 9D-EC-19337

DOCUMENTS SUBMITTED WITH TRANSMISSION:

Copy of Facsimile Transmission Confirmation Receipt (1 pg.); Certificate of Facsimile Transmission as filed on February 10, 2004 (1 pg.); Amendment Transmittal as filed February 10, 2004 (3 pgs.); Amendment as filed February 10, 2004, in response to the Office Action dated December 10, 2003 (30 pgs.); and Certificate of Facsimile Transmission (1 pg.)

Total pages including cover page: 36

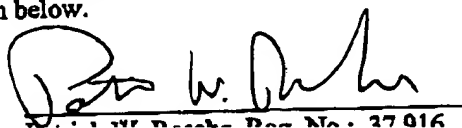
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RE: The above referenced U.S. Patent Application
Title: METHOD AND APPARATUS FOR PRODUCT SELECTION ASSISTANCE
Filed: January, 10, 2000

CERTIFICATE OF FACSIMILE TRANSMISSION

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Date: June 11, 2004


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RE: The above referenced U.S. Patent Application

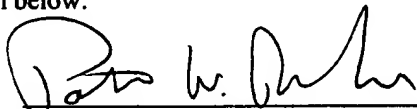
Title: METHOD AND APPARATUS FOR PRODUCT SELECTION ASSISTANCE

Filed: Januray, 10, 2000

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Patrick W. Rasche, Reg. No.: 37,916

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PATENT
Atty Dkt No. 9D-EC-19337

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IN THE UNITED STATES OFFICE OF PATENTS AND TRADEMARKS

Applicant: Kevin Michael Ruppelt et al.

Serial Number: 09/480,344

Filed: January 10, 2000

For: **METHOD AND APPARATUS
FOR PRODUCT SELECTION
ASSISTANCE**

Group Art Unit: 3625

Examiner: Akers, Geoffrey R.

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
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Petition for Refund (3 pgs), In Duplicate
Monthly Statement of Deposit Account (1 pg.)
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Facsimile Transmittal June 11, 2004 (2 pgs.)
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Thomas M. Fisher
Reg. No. 47,564
ARMSTRONG TEASDALE LLP
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